



PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re		Group Art	
Appln. of:	Michael L. FRIEDMAN et al.	Unit:	1714
Serial No.:	10/607,743	Conf. No.:	7569
Filed:	27 June 2003	Examiner:	Peter A. SZEKELY
For:	Compositions Comprising Mineralized Ash Fillers	Atty Docket No.:	D0932-00356 [VW-8777]

RESPONSE AND REQUEST FOR RECONSIDERATION

This Response pertains to the Office Action dated 4 January 2007, and is accompanied by a Petition to Revive this unintentionally-abandoned application.

Claims 1-13, 16-27, 33, 34, 36, 41-43, 48-53, 59, 66, and 124 are pending in the application. Claims 1, 59, and 124 are the only independent claims pending.

All of the claims stand rejected on account of a single rejection pursuant to 35 U.S.C. § 103(a) over either of the de Zeeuw patent and the Berry reference, in view of the Hemmings patent.

The Hemmings patent is prior art only pursuant to 35 U.S.C. § 102(e), by virtue of its filing date (22 August 2002), which precedes the priority date (27 June 2003) of this application. The Hemmings patent does not claim subject matter claimed in the pending application.

Enclosed with this Response is a Declaration Pursuant to 37 C.F.R. § 1.131, in which the inventors for this application declare that they made the invention claimed in the application not later than May 2002, as evidenced by the copy of the invention disclosure form that accompanies the Declaration. For this reason, the Hemmings patent is not prior art with respect to the pending claims and cannot be cited by the Examiner as prior art in a rejection pursuant to 35 U.S.C. § 102(e).

U.S. Patent Application No. 10/607,743
Response to Office Action
Dated 4 January 2007

ATTORNEY DOCKET NO: D0932-00356
(VW-8777)

The Examiner does not contend in the § 103(a) rejection that either the de Zeeuw patent or the Berry reference alone, nor their combined disclosures, renders the pending claims obvious in the absence of the disclosure of the non-prior-art Hemmings patent. For this reason, the Applicants respectfully contend that the obviousness rejection must be withdrawn. The Examiner's consideration of the Declaration and these arguments and withdrawal of the rejection of all pending claims are respectfully requested.

Summary

For the reasons set forth above, the Applicant respectfully contends that each of claims 1-13, 16-27, 33, 34, 36, 41-43, 48-53, 59, 66, and 124 is in condition for allowance. Reconsideration and withdrawal of the Examiner's rejection are requested, and the Examiner is requested to issue a Notice of Allowance at the earliest possible time.

Respectfully submitted,

Michael L. FRIEDMAN et al.

7 September 2007
(Date)

By: 

Gary D. COLBY, Ph.D., J.D.

Registration No. 40,961

Customer No. 08933

DUANE MORRIS LLP

30 South 17th Street

Philadelphia, PA 19103-4196

Telephone: 215-979-1000

Direct Dial: 215-979-1849

Facsimile: 215-979-1020

E-Mail: GDColby@DuaneMorris.com

Enclosures: Petition for Revival of an Application for Patent Abandoned Unintentionally
Declaration Pursuant to 37 C.F.R. § 1.131
Information Disclosure Statement